

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jerome Curry,)	No. 0:24-cv-06040-JDA
)	
Petitioner,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

This matter is before the Court on a Report and Recommendation (“Report”) of the Magistrate Judge. [Doc. 11.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings.

On January 15, 2025, the Magistrate Judge issued a Report recommending that the Court summarily dismiss the petition for writ of mandamus without prejudice for failure to comply with an order of the Court. [Doc. 11.] The Magistrate Judge also advised Petitioner of his right to file written objections to the Report within 14 days of being served with a copy and the serious consequences if he failed to do so. [*Id.* at 4.] Petitioner has not filed objections to the Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may

accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, the petition for writ of mandamus [Doc. 1] is summarily dismissed without prejudice.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

February 12, 2025
Columbia, South Carolina